

SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

HR013.00 Retiree Employment

EFFECTIVE: November 20, 2009

APPLIES TO: Employees of the South Carolina Department of Health and Human Services in Full Time Equivalent, Temporary Grant or Time-Limited Project Positions

POLICY

It is the policy of the Department of Health and Human Services (the Department) to allow the employment of individuals who have retired under the South Carolina Retirement System (SCRS) in certain circumstances.

PURPOSE

This Policy provides guidance regarding the employment of individuals who have retired under the South Carolina Retirement System (SCRS), South Carolina Police Officers' Retirement System (PORS), the South Carolina State sponsored Optional Retirement Program (ORP), or have reached the conclusion of participation in the Teacher and Employee Retention Incentive (TERI) program; hereafter, collectively referred to as retiree(s). If further clarification is needed for an understanding of this policy, please contact the Department's Office of Human Resources.

13.01 Guidelines

- A. Retiree employment is at the discretion of the Agency Director or his designee and is not guaranteed. Retiree employment must be approved by the Agency

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Director or his designee.

- B. Retirees rehired by the Department do not maintain grievance or appeal rights. Retiree employment is “at-will”. At-will means retirees may be terminated at any time, with or without cause, at the discretion of the Department. Retirees do not maintain rights provided under the Department’s Progressive Discipline, Employee Performance Measurement System, Reduction in Force, or Employee Grievance Policies and Procedures nor the State Employee Grievance Procedure Act. [see South Carolina Code Annotated §8-17-370 (16) & (17)]
- C. State law requires employees exiting the TERI program to separate from employment at the end of their TERI period not to exceed five years; therefore such employees do not retain rights to the position held while participating in the TERI program. Participation in the TERI program does not guarantee employment for the specified program period. [see South Carolina Code Annotated §9-1-2210 (1)]
- D. Retirees may not be automatically retained in the same position from which they separated without the Department posting the position.
- E. Positions that are considered mission critical to the Department are posted or advertised for application in accordance with the South Carolina Code of Laws §8-11-120 and Department Policy.
- F. Positions vacated by employees upon retirement may be left vacant for a period of time in order for the Department to recoup the compensated loss of turnover.
- G. Employees participating in a Voluntary Separation Program or Retirement Incentive Program cannot be employed with the Department of Health and Human Services or any other State agency in an FTE position for a period of two years from the date of separation, unless the employee reimburses the Department

SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

on a pro-rata basis for the benefits received.

- H. Retirees may apply for vacant positions advertised by the Department. The position may be full time equivalent (FTE), temporary grant, or time-limited in status. If hired, retiree employment is at-will.
- I. If a retiree applies for a posted vacancy with the Department, they will be given due consideration for the position along with any other applicant. No preference will be given to the retiree because of their prior service at the Department.
- J. Retirees may be employed in a temporary status no longer than one year or twelve (12) consecutive months. Subsequent one-year renewals may be considered and require annual approval from the Agency Director or his designee on a case-by-case basis.
- K. Retirees who were actively contributing members of the SCRS and are rehired by the Department are required by the South Carolina Code of Laws §9-1-1790 to make employee contributions to SCRS.
- L. The Department is required to remit payment of employer contributions to the appropriate retirement program for retired employees.

13.02 Retiree Break-In-Service Requirement

- A. Retirees must take a 15 consecutive calendar day break in service before returning to employment at any agency that participates in SCRS or its sponsored retirement programs. Failure to take a 15 consecutive calendar day break will result in the suspension of retirement payments while the retiree remains employed by the Department in accordance with South Carolina Code of Laws §9-1-1790.

SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

- B. TERI participants, at the conclusion of participation in the TERI program, must be removed from the Department's payroll for a minimum of one (1) full business day prior to employment.

13.03 Rehire Salary of Retirees

- A. Employment decisions are coordinated through the Department's Office of Human Resources. Setting retiree rehire salaries will be determined in consultation with the Department's Office of Human Resources, taking into account education, experience, and equity within the respective hiring area.
- B. The approved salary for retirees may be less than the salary at the time of retirement. A retiree must be paid at least the minimum of the State salary range for the position offered.
- C. All offers of employment with the Department must be extended formally by the Department's Office of Human Resources. All pay actions require approval from the Department's Office of Human Resources prior to effecting the actions.
- D. There is no right of appeal if employment is not offered to a retiree.

13.04 Leave Accrual

- A. Retirees hired in FTE positions, time-limited and temporary grant positions may earn annual and sick leave in the same manner as other employees. Retirees are given credit for prior state service for purposes of computing bonus leave earnings.
- B. Retirees hired as temporary employees do not accrue annual or sick leave and do not earn paid holidays.
- C. Upon separation from employment, retirees hired by a state agency after June 30,

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

2005, do not receive payment for unused annual leave.

- D. Upon separation from employment, retirees forfeit all earned sick leave.

13.05 Definitions

- A. Full Time Equivalent (FTE) Employee - Any person in the service of an agency in a full time equivalent position who receives compensation from the agency and where the agency has the right to control and direct the employee in how the work is performed.
- B. Grievance - A complaint filed by a covered employee in an FTE position or the employee's representative regarding an adverse employment action taken by the Department, as defined by the State Employee Grievance Procedure Act.
- C. Office of Human Resources - An office of the Department responsible for personnel administration for full time equivalent employees, temporary grant employees, state temporary employees, interns, and volunteers.
- D. Temporary Grant Employee - A full-time employee who does not occupy an FTE position and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant or research grant and who is not a covered employee.
- E. Time-Limited Project Employee - A full-time employee who does not occupy an FTE position and is hired to fill a project specific position funded by a federal grant, public charity grant, private foundation grant or research grant and who is not a covered employee.